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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/674,077	10/26/2000	Hideyuki Kimura	107714	1563

25944 7590 12/23/2004

OLIFF & BERRIDGE, PLC
P.O. BOX 19928
ALEXANDRIA, VA 22320

EXAMINER	
PATTERSON, MARC A	
ART UNIT	**PAPER NUMBER**
1772	

DATE MAILED: 12/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action	Application No.	Applicant(s)	
	09/674,077	KIMURA ET AL.	
	Examiner	Art Unit	
	Marc A Patterson	1772	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 03 December 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

a) ☒ The period for reply expires *3* months from the mailing date of the final rejection.

b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.

2. ☐ The proposed amendment(s) will not be entered because:

   (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);

   (b) ☐ they raise the issue of new matter (see Note below);

   (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.

4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

5. ☐ The a)☐ affidavit, b)☐ exhibit, or c)☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.

6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

7. ☒ For purposes of Appeal, the proposed amendment(s) a)☐ will not be entered or b)☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: *none*.

   Claim(s) objected to: *none*.

   Claim(s) rejected: *1-6,12-14 and 21-23*.

   Claim(s) withdrawn from consideration: *none*.

8. ☐ The drawing correction filed on _____ is a)☐ approved or b)☐ disapproved by the Examiner.

9. ☐ Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s). _____.

10. ☒ Other: *See attached.*

ADVISORY ACTION

Applicant's arguments filed December 3, 2004 have been fully considered but have not been found to be persuasive.

1. Applicant argues, on page 2 of the remarks, that in contrast to the claimed invention, Suzuki discloses a blank board, which is only alleged to correspond to the claimed insert.

However, the blank board disclosed by Suzuki et al is inserted into the mold prior to molding (beforehand arranged in the cavity; paragraph 0008, English translation) and is therefore an insert.

Applicant also argues on page 2 that the resin disclosed by Suzuki et al is not injected behind the blank board, but instead is integrated by fusion with the blank board, and the blank board becomes the sidewalls of the container.

However, it is unclear what is meant by 'behind' the blank board; furthermore, as shown in Figure 3 of Suzuki et al, the resin is in contact with the blank board at position '103c,' and the resin also therefore forms part of the sidewall of the container.

Applicant also argues, on page 3, that although Suzuki et al briefly mentions using additional runners, Suzuki is silent about the positions of the additional runners other than the top position; Suzuki also teaches that the runners are drilled in the upper part of the core, Applicant argues, and clearly shows what that means.

However, as stated on page 3 of the previous Action, Suzuki et al disclose injecting the resin through two or more runners which are drilled in the core , for the purpose of connecting the injection gate with the cavity. Therefore, one of ordinary skill in the art would have recognized the utility of providing for additional runners, which connect the injection gate with

the cavity at different locations along the cavity, depending on the desired number of connection points, as taught by Suzuki et al. Because the insert is located in the cavity, one of ordinary skill in the art would therefore recognize the utility of providing for additional runners which connect the injection gate with the cavity at locations which include locations which are covered by the insert, and are at positions inwardly apart from the upper end of the insert, depending on the desired number of connection points between the injection gate and the cavity and the locations of the connection points as taught by Suzuki et al. Furthermore, the phrase 'upper part' as used by Suzuki does not exclude positions behind the insert.

Applicant also argues on page 3 that there is no motivation to provide runners at different locations, specifically at the inner surface of the molded body while being inwardly apart from the upper end of the insert.

However, as stated above, Suzuki et al discloses the use of additional runners, and the additional runners, by definition, cannot be in exactly the same location as the initial disclosed runners, and are therefore in different positions; therefore, no motivation is required to provide for additional runners at additional positions, as the additional runners are disclosed by Suzuki et al. Furthermore, as stated above, Suzuki et al disclose molded resin in contact with the insert; motivation therefore clearly exists to inject resin at a position that is in contact with the insert, as Suzuki et al disclose resin in that location.

Applicant also argues, on page 4, that if runners are provided at the inner surface, the runners would have to be provided at a very narrow upper opening; it would be extremely difficult, Applicant argues, to accurately define the width created at the fusion of the fabrication.

However, Suzuki et al do not disclose that it would be prohibitively difficult to place the disclosed additional runners at any particular locations.

Applicant also argues on page 4 that if runners were located at position 103c in Figure 3 of Suzuki et al, the runners would not be located at the inwardly away from the upper end of the insert, but instead would be located at the upper end.

However, as shown in Figure 3, the resin extends a finite distance in its contact with the insert, and is therefore inwardly away from the upper end of the insert.

Applicant also argues, on page 4 , that if runners are provided inwardly apart from the upper end of the insert, it would make Suzuki et al unsatisfactory for its purpose, to overcome the problems with containers having a screw thread opening, such as a part that protrudes outside the container.

However, it is unclear how the positions of the runners would make Suzuki et al unsatisfactory for its purpose, since there is no protruding portion to the finished product that would be crated by a change in runner position.

Applicant also argues, on page 5, that Suzuki et al does not teach a mark that is positioned only on a surface that is covered by the insert, and is not injected at a position inwardly apart from the upper end of the insert and at a position corresponding to a position on the molded body surface that is covered by the insert as claimed in Claim 3.

However, as stated on page 4 of the previous Action, it would have been obvious for one of ordinary skill in the art to inject the resin at a position inwardly apart from the upper end of the insert and at a position on the molded body inner surface that is covered by the insert, depending on the desired number of connection points between the injection gate and the cavity

and the locations of the connection points as taught by Suzuki et al, therefore only on a surface that is covered by the insert, and is not injected at a position inwardly apart from the upper end of the insert and at a position corresponding to a position on the molded body surface that is covered by the insert, as desired for the purpose of bonding the resin to the insert.

Applicant also argues, on page 6, that Suzuki et al teach the curing of the resin, because Suzuki et al teach a fabricated container; therefore, Applicant argues, one of ordinary skill in the art would not have been motivated to combine Suzuki et al with Asahi et al.

However, the disclosure of a fabricated container is not necessarily the same as a disclosure of a cured resin container, therefore one of ordinary skill in the art would have been motivated to combine Suzuki et al with Asahi et al.

Conclusion

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc Patterson, whose telephone number is (571) 272 – 1497. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM. If attempts to reach the examiner by phone are unsuccessful, the examiner's supervisor, Harold Pyon, can be reached at (571) 272 – 1498. FAX communications should be sent to (703) 872-9310. FAXs received after 4 P.M. will not be processed until the following business day.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

system, see http://pairdirect.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217 – 9197 (toll – free).

Marc A. Patterson, PhD.
Marc Patterson
Art Unit 1772

HAROLD PYON
SUPERVISORY PATENT EXAMINER
1772

12/20/04